

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s);

Docket No.

020356 116P2

Serial No.

10/088,291

Filing Date

MARCH 14, 2002

Examiner

RAFAEL BACARES

Group Art Unit

Invention:

MASONRY MORTAR AND STUCCO CEMENT COMPOSITIONS

I hereby certify that this REQUEST FOR RECONSIDERATION AND RENEWED PETITION

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under

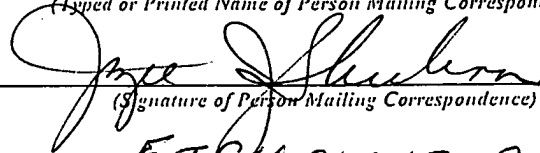
37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents ; P.O. Box 1450, Alexandria, VA

22313-1450 on

May 29, 2003
(Date)

JOYCE J. SKULINA

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

ET94 366177945

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

WEGMAN, HESSLER & VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

DAVID J. HESSLER
KEITH A. VANDERBURG
PETER A. HESSLER
DAVID R. KNOWLES
JOHN D. KEDZIOR
STEVEN E. PRYATEL
RICHARD T. COYNE
LAWRENCE S. CROWTHER
CHRISTOPHER A. HOLECEK
JEFFREY W. KRUEGER
BRUCE E. PEACOCK

DAVID W. HERRINGTON
ANTOINETTE F. GIDEON
KARL R. WETZEL
DERMOTT J. COOKE
DENNIS J. SICILIANO
TANJA M. HOLECEK

SUITE 200
6055 ROCKSIDE WOODS BOULEVARD
CLEVELAND, OHIO 44131-2302

TELEPHONE
(216) 642-3342

FACSIMILE
(216) 642-8826

May 28, 2003

DAVID R. BUTTON
DEREK KAESGEN
NATHAN E. HESSLER
DONNA M. DRESP
SIMON P. DEMIAN
JENNIFER A. CORSO
CARL D. GUM III
LESLEY A. WEIGAND
KEVIN M. BROKAW
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS
WILLIAM GORENC, JR.
OF COUNSEL

MARTIN J. WEGMAN
(1918-1977)

In re Application of

Applicant : Pike et al.
Serial No. : 10/088,291
Filed : March 14, 2002
Title : Masonry Mortar and Stucco Cement
: Compositions
Docket : 020356 116P2
Customer No.: 33805

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the following in the above-identified application:

XX Request for Reconsideration
XX Renewed Petition Under 37 CFR 1.47(a) With Exhibits A-H
XX Check in the amount of \$130.00

XX Please charge our Deposit Account No. 502431 in the amount of \$ 0.00. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to such account. Two copies of this sheet are enclosed.

Respectfully submitted,
WEGMAN, HESSLER & VANDERBURG

By

Bruce E. Peacock
Bruce E. Peacock
Reg. No. 28,457

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as ~~first~~ ^{Express} class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 29, 2003
(Date of Deposit)

Joyce J. Skulina
(Typed or printed name of person mailing paper or fee)

Joyce J. Skulina
(Signature of person mailing paper or fee)

LAW OFFICES

BRUCE E. PEACOCK
MICHAEL D. FOLKERTS
STEVEN D.A. MCCARTHY
RANDY S. JACKSON, JR.

BIEBEL & FRENCH
A LEGAL PROFESSIONAL ASSOCIATION
35 EAST FIRST STREET

LAWRENCE B. BIEBEL
(1906 - 1989)

NATHANIEL R. FRENCH
(1913-1994)

DAYTON, OHIO 45402

937/461-4543

FACSIMILE NO. 937-443-0861

biebel@erinet.com

COUNSEL
GILBERT HENDERSON

March 12, 2002

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clinton W. Pike
12707 Secret Forest Court
Cypress, Texas 77429

Re: U.S. Patent Application for
Masonry, Mortar, and Stucco Cement Compositions
Based on PCT Application No. PCT/US00/25907 filed September 21, 2000
Our Docket: ASH 116 P2

Dear Buddy:

Enclosed is the Declaration for the above-identified patent application. Please execute this document in the appropriate space on page 3 and return the same to my office via regular mail. If possible, please fax the Declaration to my office as well so that it can be included with the patent application when we file this application with U.S. Patent and Trademark Office.

Thank you for your assistance. If you have any questions, please contact me.

Best regards.

Sincerely,
BIEBEL & FRENCH



Bruce E. Peacock

BEP:bas
Enclosure

cc: Curtis J. Brown

WEGMAN, HESSLER & VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

DAVID J. HESSLER
KEITH A. VANDERBURG
PETER A. HESSLER
DAVID R. KNOWLES
JOHN D. KEDZIOR
STEVEN E. PRYATEL
RICHARD T. COYNE
LAWRENCE S. CROWTHER
CHRISTOPHER A. HOLECEK
JEFFREY W. KRUEGER
BRUCE E. PEACOCK

DAVID W. HERRINGTON
ANTOINETTE F. GIDEON
KARL R. WETZEL
DERMOTT J. COOKE
DENNIS J. SICILIANO
TANJA M. HOLECEK

SUITE 200
6055 ROCKSIDE WOODS BOULEVARD
CLEVELAND, OHIO 44131-2302

TELEPHONE
(216) 642-3342

FACSIMILE
(216) 642-8826

April 22, 2003

DAVID R. BUTTON
DEREK KAESGEN
NATHAN E. HESSLER
DONNA M. DRESP
SIMON P. DEMIAN
JENNIFER A. CORSO
CARL D. GUM III
LESLEY A. WEIGAND
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS
WILLIAM GORENC, JR.
OF COUNSEL

MARTIN J. WEGMAN
(1918-1977)

Certified Article Number

7160 3901 9844 2476 2168

SENDERS RECORD

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Clinton W. Pike, Sr.
15611 Stablebrook Circle
Cypress, Texas 77429

Re: Title: MASONRY, MORTAR AND
STUCCO CEMENT COMPOSITIONS
Serial No.: 10/088,291 Filed March 14, 2002
Our Docket: 020356 116 P2

Dear Buddy:

I am herewith enclosing a copy of the above-identified patent application that we have now filed in the United States. Also enclosed is a copy of a Declaration that has been prepared for your signature.

I would appreciate it if you would review the enclosed application and sign the Declaration and then return the executed Declaration to us.

Would you kindly execute the Declaration in the appropriate space on page 3 and return the same to my office via regular mail. If possible, kindly fax the Declaration to my office as well so that we can file this Declaration in the United States Patent and Trademark Office as soon as possible.

Thank you for your assistance. If you have any questions, please contact me.

Clinton W. Pike
Page 2
April 15, 2003

Best regards.

Sincerely,

WEGMAN, HESSLER & VANDERBURG

Bruce E. Peacock

BEP/jjs
Enclosures

WEGMAN, HESSLER & VANDERBURG

A LEGAL PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

DAVID J. HESSLER
KEITH A. VANDERBURG
PETER A. HESSLER
DAVID R. KNOWLES
JOHN D. KEDZIOR
STEVEN E. PRYATEL
RICHARD T. COYNE
LAWRENCE S. CROWTHER
CHRISTOPHER A. HOLECEK
JEFFREY W. KRUEGER
BRUCE E. PEACOCK

DAVID W. HERRINGTON
ANTOINETTE F. GIDEON
KARL R. WETZEL
DERMOTT J. COOKE
DENNIS J. SICILIANO
TANJA M. HOLECEK

SUITE 200
6055 ROCKSIDE WOODS BOULEVARD
CLEVELAND, OHIO 44131-2302

TELEPHONE
(216) 642-3342

FACSIMILE
(216) 642-8826

May 13, 2003

DAVID R. BUTTON
DEREK KAESGEN
NATHAN E. HESSLER
DONNA M. DRESP
SIMON P. DEMIAN
JENNIFER A. CORSO
CARL D. GUM III
LESLEY A. WEIGAND
CHRISTOPHER A. CORPUS

CHARLES R. ENNIS
WILLIAM GORENC, JR.
OF COUNSEL

MARTIN J. WEGMAN
(1918-1977)

Clinton W. Pike, Sr.
15611 Stablebrook Circle
Cypress, Texas 77429

VIA FEDERAL EXPRESS

Re: Title: MASONRY, MORTAR AND
STUCCO CEMENT COMPOSITIONS
Serial No.: 10/088,291 Filed March 14, 2002
Our Docket: 020356 116 P2

Dear Buddy:

Once again I enclose a copy of the above-identified application and a "Declaration" that has been prepared for your signature. Please review the application and sign the Declaration as soon as possible and return the signed Declaration to me via facsimile or mail.

As you know, you have assigned your rights in the above-identified application to ISG Resources, Inc. (ISG). A copy of the Assignment is enclosed. If you do not sign the enclosed Declaration, ISG will enforce the Assignment, specifically the clause of which that indicates your obligation to

"sign all papers, and make all rightful oaths, and do all acts which said Assignee, its successors or assigns, may consider necessary in connection with said United States application..."

Clinton W. Pike

Page 2

May 13, 2003

The technology represented by the application is a valuable asset owned by ISG and your breach of the obligations as set forth in the attached Assignment is serious and will cause severe financial damage to ISG. Suit brought against you by ISG to enforce the Assignment and any other rights that it may have against you shall seek to recover these damages, attorneys' fees, and punitive damages.

Sincerely,

WEGMAN, HESSLER & VANDERBURG

A handwritten signature in cursive script that reads "Bruce".

Bruce E. Peacock

BEP/jjs

Enclosures

Joyce J. Skulina

From: sysdeliv@fn3a.prod.fedex.com
Sent: Thursday, May 15, 2003 11:32 AM
To: Joyce J. Skulina
Subject: FedEx shipment 791592261006

Our records indicate that the shipment sent from JOYCE J SKULINA/WEGMAN, HESSLER & VANDER to Clinton W. Pike has been delivered.
The package was delivered on 05/15/2003 at 9:05 AM and signed for or released by S.PIKE.

The ship date of the shipment was 05/14/2003.

The tracking number of this shipment was 791592261006.

FedEx appreciates your business. For more information about FedEx services, please visit our web site at <http://www.fedex.com>

To track the status of this shipment online please use the following:
[http://www.fedex.com/cgi-bin/tracking?tracknumbers=791592261006
&action=track&language=english&cntry_code=us](http://www.fedex.com/cgi-bin/tracking?tracknumbers=791592261006&action=track&language=english&cntry_code=us)

Disclaimer

FedEx has not validated the authenticity of any email address.

PIKE TECHNOLOGIES

 πK P.O. BOX 1181
CYPRESS, TX. 77410-1181Mr. Bruce E. Peacock
Wegman, Hessler & Vanderburg
Suite 200
6055 Rockside Woods Boulevard
Cleveland, Ohio

May 15, 2003

Dear Bruce,

As you are aware, I am no longer an employee of ISG and have not been since January 2001. During the time I was employed by ISG and receiving compensation from ISG, as their Executive Vice President, I signed the Assignment as a part of a process we were undertaking to develop the possible patent you say you have now filed application for. This application is a far cry from being issued as a utility patent. In fact I have only read the draft for this once, that being during the year 2000. When I left the company in 2001, in order to continue my economic viability, I started my own company built on technology and have been involved in several patents being issued and pursued since then.

Your comment about the technology and my breach causing severe financial damage to ISG is ridiculous. No damage can occur on a paper purporting technology that has more of a chance of being rejected, than allowed, as a patent, much less enforced. They own nothing until or if this reaches a conclusion involving issuance of a valid patent. They are covered by the Priority date if it is issued. The art is full of existing patents of this very nature. It will take skilled crafting to try and get this patent issued. I should know since I am the principal inventor. Also, your comment, "Once again..." is uncalled for. I still have the package from your April 22, 2003, mailing and just related this to you yesterday by phone. You are well aware that I had issues concerning this potential patent as I have discussed it with you and sent information about this, to you previously. I am sorry you lost my email when you moved and I will endeavor to recover it, for you. I am surprised that something of such value to ISG, as you state in your letter, has taken this long to get to the position we are at today. Since October, 1999, I had not received any contact concerning this issue until your certified letter in June of 2002. I responded to your letter then and did not hear from you again until your April 22, 2003, letter. This does not indicate a sense of urgency to me.

I have given the rights to this patent, if patented, to ISG but now have no compensation to receive for furthering the development and potential issuance of this document to the ultimate aspect of a utility patent. In fact, by law; I do not have to sign my name to any document I do not feel is accurate, has unknown validity to its claims, and may have

inaccurate and untruthful information supplied to back up such claims. Since I have not read the document, I am sure it has changed since the October, 2000, draft and probably contains new or changed information that I may or may not agree to. Here is what I would be willing to do should ISG compensate me as indicated below:

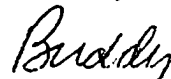
1. Review the document in detail and provide my comments concerning the text and information as written.
2. Provide ongoing support towards the finalization of the patent application and my time and efforts towards getting this application through the approval process as best as I can, fully supporting the process.

In order to accomplish this ISG will compensate my efforts as follows:

- a. All expenses, should any occur, will be paid by ISG to include phone, copying, travel expenses, lodging and food expenses and any other expenses related to the review and development of this application to its ultimate fate.
- b. ISG will compensate me up front \$5,000 for the patent application review and any changes made to the application for accuracy and examiner critique. After I am sure the information is accurate and truthful I will execute the declaration.
- c. When the examiner begins his process and I am needed for rebuttal I will require an additional \$5,000 up front before I will defend and reorganize to try and obtain agreement from the examiner. I will do my utmost to obtain examiner allowance and the patent being issued but obviously cannot guarantee anything on the patent being awarded.

Brice, after you have discussed this with ISG let me know what they want to do. I can do all my work through you so no contact would be required with ISG, as I have completed selection of contingency legal support for proceeding forward on another legal issue with ISG, that will be forthcoming by June 2003.

Sincerely,


Clinton Pike

Bruce E. Peacock

From: Bruce E. Peacock
Sent: Tuesday, May 27, 2003 8:18 AM
To: 'Ekip2@aol.com'
Subject: RE: ISG project

Yes I did. If you could locate the e-mail you sent last summer , I will also forward this to the Patent Office.
Regards
Bruce

-----Original Message-----

From: Ekip2@aol.com [mailto:Ekip2@aol.com]
Sent: Monday, May 26, 2003 10:30 PM
To: Bruce E. Peacock
Subject: ISG project

Bruce, Just wanted to make sure you received my fax last week? Thanks Buddy

5/27/2003